

MM 87-268

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

ORIGINAL
FILE

29 JAN 1992

IN REPLY REFER TO:

GH-8010
CN-9200145

Honorable Christopher J. Dodd
United States Senator
Putnam Park
100 Great Meadow Road
Wethersfield, Connecticut 06109

EX PARTE OR LATE FILED

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FEB 11 1992

Dear Senator Dodd:

Federal Communications Commission
Office of the Secretary

Thank you for your request that the Commission consider the concerns expressed by Mr. Lucio C. Ruzzier, Sr. Mr. Ruzzier is President of Channel 13 Television, Inc. (Channel 13 Television), licensee of low power stations in Hartford, Connecticut and Springfield, Massachusetts. You enclosed a letter from Mr. Ruzzier which is also part of a pleading previously filed in MM Docket No. 87-268. That Commission proceeding is considering how to implement an improved form of television transmission, advanced television or ATV, in this country. Many believe that the United States can lead the world in the development of ATV technology and the new generation of consumer equipment that ATV will spawn.

In order to effectuate an orderly and affordable transition to ATV, the Commission has decided that ATV will initially be transmitted on a second television channel. This will leave conventional full service television broadcasts undisturbed until the transition is complete. Spectrum studies thus far indicate that it will be a challenge to provide the supplemental spectrum needed to pair an ATV channel with existing conventional television channels. While the extent to which the assignment of these new ATV channels may displace low power and translator stations is not fully known, it is likely that there will be displacement to some degree in major markets.

The Commission recognizes the valuable contribution many low power stations such as those owned by Channel 13 Television make to their communities. On the other hand, low power service was created as a secondary service. As such, low power service may not interfere with full service stations and must yield to new full service stations. The Commission has proposed in MM Docket No. 87-268 to continue the service's secondary status vis-a-vis new ATV stations. Thus, under this proposal, after an ATV transmission standard is selected, new ATV channels are allotted and assigned, applications for these new channels filed and granted, and new ATV stations constructed, low power and translator stations that cause actual interference to these new ATV stations would be required to yield. Thus, the Commission, at the outset of the massive undertaking it plans for ATV implementation, has given low power stations notice of the probability that at a future point in the transition to ATV, displacement of low power stations may occur. The Commission has also

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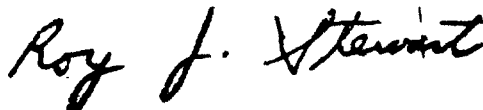
Honorable Christopher J. Dodd

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proposed, however, to continue the Commission's special policy for displaced low power stations. That policy permits a displaced low power station to file an application for a vacant channel in the same area without being subject to competing applications. The Commission is presently studying the comments of interested parties, including low power stations such as Channel 13 Television, to these proposals. The Commission is also giving due consideration to numerous suggestions for mitigating the effects of potential displacement on low power and translator stations.

Thank you for your interest in this important issue. Your letter will be made part of the record in MM Docket No. 87-268. Please be assured that the Commission will give careful consideration to the views articulated by Mr. Ruzzier.

Sincerely,

A handwritten signature in cursive script that reads "Roy J. Stewart".

Roy J. Stewart
Chief, Mass Media Bureau

GHarrison:wph:leg:prd:MMB
Typed:01/28/92

CHRISTOPHER J. DODD
CONNECTICUT

Putnam Park
100 Great Meadow Road
Wethersfield, Connecticut 06109

United States Senate

WASHINGTON, DC 20510-0702

January 6, 1992

Ms. Linda Townsend Solheim
Director, Legislative Affairs
Federal Communications Commission
Room 808
1919 M Street N.W.
Washington, D.C. 20554

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JAN 17 1992
LEGISLATIVE AFFAIRS

Dear Ms. Solheim:

I am writing on behalf of my constituent, Mr. Lucio C. Ruzzier, Sr., President of Channel 13 Television, Inc. who has requested my assistance regarding the proposed rulemaking concerning ATV. Enclosed, for your review, is a copy of Mr. Ruzzier's December 16, 1991 letter.

As you will note, Mr. Ruzzier has expressed his deep concern over the FCC's proposed rulemaking. He believes such a rulemaking will be detrimental not only to Channel 13, but also to the communities in which it serves. Because of the desire of this office to be responsive to all inquiries and communications, your review of Mr. Ruzzier's letter is requested. Any appropriate consideration that you may be able to render to Mr. Ruzzier and the employees of Channel 13 would be greatly appreciated. Your reply will be most welcome at my Wethersfield office.

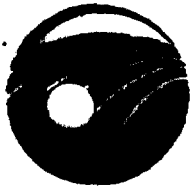
With kind regards, I am

Sincerely,

CHRISTOPHER J. DODD
United States Senator

CJD/smf

enclosure



Channel 13 Television Inc.

886 MAPLE AVENUE - HARTFORD, CONN. 06114

W13BF-TV
HARTFORD, CONN.
W65BX-TV
SPRINGFIELD, MASS.
RADIO 13

TEL: (203) 547-1303
FAX: (203) 549-6834

December 16, 1991

Federal Communications Commission
Washington, D. C.

RE: ATV Proposed Rulemaking
Channel 13 Television, Inc.
W13BF-TV Hartford, CT
W65BX-TV Springfield, MA

Gentlemen:

I, Lucio C. Ruzzier, Sr. am the President of Channel 13 Television, Inc. located in Hartford, Connecticut, which is the licensee of two LPTV stations, Channel 13, W13BF-TV in Hartford, Connecticut and Channel 65, W65BX-TV Springfield, MA.

Channel 13 has been broadcasting since June 14, 1986, Channel 65 has been on the air since June 13, 1991. This letter is sent with comments concerning the Commission's proposed rulemaking concerning ATV.

I believe that the proposed Rulemaking will be not only obviously detrimental to Channel 13 and 65 but also to the members of the communities which the Stations serve. Channel 13 was recently included in the Copyright Office's list of specialty stations since it provides all foreign language programming and provides a service to the community not met by the traditional broadcasters.

During the 5-1/2 years that Channel 13 has been on the air, Channel 13 is clearly providing a need to the community, which is otherwise not being met. Channel's 13 and 65 through affiliation with Telemundo provide quality Spanish-language programming to Hispanic viewers. In addition to Network programming, Channel 13 also produces local programming covering local events, produces a local community interest program, produces and participates in a wide variety of community service programs including fund-raising events for charitable causes. Channel 13 is widely respected in the area because of the services it provides and accessibility to the community.

- 2 -

There are limited sources of news and entertainment available in Spanish within the stations' coverage area being primarily radio stations. Telemundo network programming would not be available if we had to surrender channels for ATV.

If forced off the air by ATV, Channel 13 and 65 would suffer enormous economic losses. The Stations which employs 40 people, many of whom are Hispanic, would be forced to go out of business if the Commission is unable to develop an ATV implementation plan that can accommodate the stations. The investment made in LPTV by Channels 13 and 65 and large, multiple LPTV owners and small, single station owners should be considered by the FCC when implementing ATV. Although a secondary service, the Commission should recognize the valuable public service provided by LPTV broadcasters and should attempt to minimize the adverse impact of ATV on LPTV.

With the tremendous growth of the Hispanic market, in many cases LPTV's were the only licenses available to broadcasters looking to serve the major Hispanic television markets in this country. In fact, many Spanish-language LPTV's function and Channel 13 and 65 function identically to full power stations offering coverage of local events and community affairs programming. In fact, at times Channel 13 is the sole broadcaster covering some community events.

There is no question that the large Spanish-speaking population within Channel 13 and Channel 65's service areas would suffer greatly by the loss of these stations. If these stations were taken off the air, it would reduce or eliminate Spanish-language television programming available to the public within our service areas.

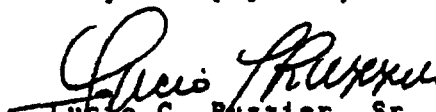
We believe it would be unfair for the Commission to promote the development and growth of community-based television through LPTV and then not make every effort to protect LPTV stations from displacement by ATV operations.

- 3 -

In addition to providing Spanish-language programming, Channel 13 and Channel 65 also provide programming in Italian, Greek, Polish and Portuguese. Entertainment programs as well as coverage of local and community events and community affairs programs and news are provided in all of these languages.

We believe Channel 13 and Channel 65 provide a real service to the community which will otherwise not be met.

Very truly yours,


Lucio C. Buzzier, Sr.
President

LCR:aa